

Ira G. Greenberg
Zachary W. Silverman
EDWARDS WILDMAN PALMER LLP
750 Lexington Avenue
New York, NY 10022
212.308.4411

Michael Dockterman
EDWARDS WILDMAN PALMER LLP
225 W. Wacker Dr., Ste. 2800
Chicago, IL 60606
312.201.2000

Attorneys for Petitioners

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
PATRICK SCOTT BAKER, et al. : Case No. 12-cv-7698 (GBD)
Petitioners, :
-versus- :
NATIONAL BANK OF EGYPT; JPMORGAN :
CHASE & CO.; JPMORGAN CHASE BANK, :
N.A. CITIBANK, N.A.; THE BANK OF NEW :
YORK MELLON; INTESA SANPAOLO SPA; :
and COMMERZBANK AG, :
Respondents. :
----- X

**DECLARATION OF
MICHAEL DOCKTERMAN IN
SUPPORT OF BAKER
PETITIONERS' UNOPPOSED
MOTION FOR TURNOVER
DIRECTED TO COMMERZBANK AG**

I, MICHAEL DOCKTERMAN, declare under penalty of perjury as follows:

1. I am an attorney duly admitted to practice in the state of Illinois and admitted pro hac vice before this Court, and I am a partner in the firm of Edwards Wildman Palmer LLP, which represents petitioners Patrick Scott Baker; Jerry Baker; Lois Baker; Craig Baker, individually and as the personal representative of the Estate of David Baker; Stacie Baker; Patricia A. Henry, individually and as the substitute executrix and successor in interest of the Estate of Scarlett Rogencamp, and as the executrix of the Estate of Hetty E. Peterson; Valerie

Peterson, as executor of the Estate of Vernon W. Peterson; Katharine D. Doris; Paul G. Peterson; Michelle Y. Holbrook; Jackie Nink Pflug; Rylma Nink; Eugene Nink; Gloria Nink; Mary Nink; and Scott Pflug (collectively the “Baker Petitioners”). I submit this declaration in support of the Baker Petitioners’ Unopposed Motion for Turnover of Assets directed to Commerzbank AG pursuant to Fed. R. Civ. P. 69(a) and CPLR 5225 & 5227.

2. The Baker Petitioners seek to file the papers associated with its motion under seal pursuant to a Protective Order entered by the United States District Court for the District of Columbia, which this Court has acknowledged as being effective in this action. (Docket No. 3). The Baker Petitioners also file under seal pursuant to various confidentiality agreements with the third-party respondents. As such, the Baker Petitioners will file a redacted version of each document electronically.

3. Annexed hereto as **Exhibit A** is a true and correct copy of the judgment entered in Patrick Scott Baker, et al. v. Syrian Arab Republic, et al., Case No. 03-cv-00749 (D.D.C.), dated March 31, 2011, as well as proof of its registration in Baker, et al. v. Great Socialist People’s Libyan Arab Jamahiriya, Case No. 11-mc-00434 (S.D.N.Y.), on or about December 19, 2011.

4. Annexed hereto as **Exhibit B** is a true and correct copy of an order made pursuant to 28 U.S.C. § 1610(c) in Patrick Scott Baker, et al. v. Syrian Arab Republic, et al., Case No. 03-cv-00749 (D.D.C.), dated September 1, 2011.

5. Annexed hereto as **Exhibit C** is a true and correct copy of an order in Baker, et al. v. Great Socialist People’s Libyan Arab Jamahiriya, Case No. 11-mc-00434 (S.D.N.Y.) granting the Baker Petitioners’ motion to pursue attachment in aid of execution of the judgment that is annexed hereto as Exhibit A, as permitted by 28 U.S.C. § 1610.

6. Annexed hereto as **Exhibit D** are true and correct copies of USM-285 forms issued by the United States Department of Justice, United States Marshals Service, dated January 17, 2012, memorializing service of a writ of execution on six banks.

7. Annexed hereto as **Exhibit E** is a true and correct copy of the schedule attached to the information subpoenas served by the Baker Petitioners on various respondent banks in this action.

8. Annexed hereto as **Exhibit F** is a true and correct copy of an excerpt from the OFAC website regarding the SDN List.

9. Annexed hereto as **Exhibit G** is a true and correct copy of relevant excerpts from the SDN List.

10. Annexed hereto as **Exhibit H** is a true and correct copy of a press release from OFAC, dated [REDACTED].

11. Annexed hereto as **Exhibit I** is a true and correct copy of a notice from OFAC, dated [REDACTED]
[REDACTED]."

12. Annexed hereto as **Exhibit J** is a true and correct copy of Commerzbank AG's responses and objections to the Baker Petitioners' information subpoena, dated April 30, 2012. In this Exhibit, Commerzbank states that the underlying wire transfer which was the source of the funds identified by Commerzbank in Exhibit J took place on May 7, 2009.

13. Annexed hereto as **Exhibit K** is a true and correct copy of an email from Terry Myers to Zachary W. Silverman, dated May 31, 2012, regarding Commerzbank AG's response to the Baker Plaintiffs' information subpoena.

14. A competing group of judgment creditors also has initiated proceedings against certain banks, including some of the Respondents in the instant action, in the United States District Court for the Northern District of Illinois. I know that this competing group of judgment creditors of Syria, known as the "Gates Parties,"¹ is on notice of this action because I have personally spoken with their counsel and advised him that the Baker Petitioners are proceeding in this action. The Gates Parties have chosen not to appear in this proceeding.

Dated: New York, NY
October 2, 2013


MICHAEL DOCKTERMAN

AM 23646077.1

¹ The "Gates Parties" are Francis Gates, individually and as Administrator of the Estate of Olin Eugene "Jack" Armstrong, Pati Hensley, Sarah Hensley, and Jan Smith. The Gates Parties similarly obtained a judgment against Syria in the United States District Court for the District of Columbia. Although the Gates Plaintiffs also registered their judgment in the Southern District of New York, they neither sought nor obtained an order under § 1610(c) from this Court, and they have not initiated any post-judgment enforcement proceedings in this judicial district.